IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6933 OF 2007

1. Shri Anil Murlidhar Deshmukh & Anr.] .. Petitioners

Versus

1. Director General of Police & 2 ors.] .. Respondents

Mr. M.D. Lonkar with Ms. Preetam Tendulkar for the petitioners.

None for the respondents.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 21ST SEPTEMBER, 2007

P.C. :

1. Heard.

2. By this Petition, the petitioner challenges the order dated 18th April, 2007, passed by the Maharashtra Administrative Tribunal refusing to stay the departmental enquiry pending the decision of the criminal prosecution. There is no rule of law that in every case wherever a departmental enquiry is commenced and a criminal prosecution is also launched in respect of the same act which amounts to both a criminal offence as well as a misconduct, the departmental proceeding

must be stayed pending the decision of the criminal trial. It depends on the facts of each case. The Tribunal has carefully considered all the aspects as well as the law and rejected the request of stay and we see no reason to interfere.

3. The Writ Petition is, accordingly rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]